

Request for Extension of Digital Television Construction Deadline

On January 14, 2009, the Commission granted KNRR a construction permit for its post-transition DTV facilities on Channel 12.¹ However, by that time, due to the severe winter conditions already occurring in Pembina, North Dakota, KNRR could not immediately begin construction of its post-transition digital facilities.

Once the severe winter weather of Pembina, North Dakota had set in and the Commission had not yet granted KNRR's post-transition digital construction permit, it became clear that KNRR would not be able to conduct a timely DTV transition. Accordingly, on December 18, 2008, KNRR filed a Form 337 application for extension of time to construct its post-transition digital facilities.² The Commission granted this extension request on January 23, 2009, thereby extending the expiration date of KNRR's post-transition digital construction permit to August 18, 2009.

KNRR's construction was further delayed because of the economic issues faced by the station. As previously reported to the Commission, throughout KNRR's history, the station has not been profitable in terms of actual revenues or cashflow. These circumstances have forced KNRR in the past to consider surrendering its license. Due to the economic downturn and the large capital costs that would be required for KNRR to construct digital facilities, it again had to carefully consider whether to surrender its license. Ultimately, however, as a public service, KNRR determined that it would expend the necessary costs to operate KNRR as a digital station. As a result of these necessary financial deliberations, however, KNRR did not order the necessary equipment for its digital operations until late Spring 2009. The anticipated delivery date for this equipment is early September 2009, and KNRR anticipates that it will complete the construction of its post-transition digital facilities on or before October 18, 2009.

KNRR's situation is rather unique. Because KNRR could not conduct a timely DTV transition, on January 27, 2009, it filed an Engineering STA³ seeking authority to continue its analog operations post-transition because it could not undertake one of the Commission's digital phased transition procedures. KNRR's pre-transition digital operations were on Channel 15. Continuing these operations beyond the June 12, 2009 DTV transition would have caused impermissible interference to a new digital station which began its operations on Channel 15 on June 12, 2009. In addition, as noted, KNRR does not have the necessary equipment to have constructed reduced-power facilities on Channel 12, its allotted post-transition DTV channel. On May 28, 2009, the Commission denied KNRR's STA request to continue analog operations beyond June 12, 2009. As a consequence, on June 10, 2009, KNRR filed a Legal STA request seeking to remain silent until such time as it might complete construction of its permanent digital facilities.⁴ This STA request remains pending.

¹ File No. BPCDT-20080520ACJ.

² File No. BEPCDT-20081218ABL.

³ File No. BDSTA-20090127AAY.

⁴ File No. BLDSTA-20090610ABI.

Most stations conducting a phased-transition had their construction deadlines automatically extended from August 18, 2009 to October 18, 2009.⁵ However, because KNRR was denied a phased transition STA, KNRR now seeks an explicit extension of the deadline to complete construction of its post-transition digital facilities until October 18, 2009. KNRR believes that the automatic extension granted to stations with phased transition STAs is equally applicable to its situation, but makes the present request out of an abundance of caution.

An extension to the deadline for the construction of KNRR's post-transition DTV facilities is necessary for KNRR to continue to have the opportunity to build permanent post-transition DTV facilities, and thus once again provide its valuable broadcast service to viewers in and around its community of license. This extension therefore would serve the public interest. KNRR thus respectfully requests that the Commission extend the deadline for the construction of its post-transition DTV facilities to October 18, 2009. This extension would be in accord with other, more typical, phased transition stations. As noted, KNRR anticipates that it will complete the construction of its permanent DTV facilities on Channel 12 on or before October 18, 2009.

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⁵ See *Implementation of the DTV Delay Act*, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399, ¶ 65 (2009) (“[W]e extend until October 18, 2009 the construction deadline for stations with a phased transition STA deadline of August 18, 2009.”).